

COUNTY OF KAUAI
Minutes of Meeting
Open Session

Board/Committee:	LIQUOR CONTROL COMMISSION	Meeting Date	November 16, 2017
Location	Mo'ikeha Building, Meeting Room #3	Start of Meeting: 4:00 p.m.	End of Meeting: 5:36 p.m.
Present	Vice Chair William Gibson; Members: Paul Endo, Maryanne Kusaka, Gerald Matsunaga, and Gary Pacheco Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Nicholas Courson		
Excused	Chair Jean Iida; Shirley Akita		
Absent			

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SUBJECT	DISCUSSION	ACTION
Call To Order		Vice Chair Gibson called the meeting to order at 4:00 p.m. with 5 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 5 members were present.	
Approval of the Agenda		Ms. Kusaka moved to approve the agenda. Mr. Matsunaga seconded the motion. Motion carried 5:0.
Violation Hearing	<p>The first licensee was not yet present. Item 1(a) was moved to the end of the meeting.</p> <p>(b) <u>WB'S EXCLUSIVE LOUNGE</u>: Violation of Rule 7.7 Clearing of tables at closing time.</p> <p>Wilma Bumanglag, owner was present; no counsel. The licensee admitted to the charges.</p>	

	Ms. Bumanglag explained that she lost track of the time, and had not cleared the table when the investigators came in at 2:01 a.m.	Mr. Matsunaga moved that a fine of \$500 be imposed. Mr. Pacheco seconded the motion. Motion carried 5:0.
Approval of the Minutes	<u>APPROVAL OF THE MINUTES OF NOVEMBER 2, 2017</u>	Mr. Pacheco moved to approve minutes of November 2, 2017. Ms. Kusaka seconded the motion. Motion carried 5:0.
1.	<p><u>DIRECTOR'S REPORT:</u></p> <p>a) <u>INVESTIGATORS' REPORTS</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>(1) From Jackson Family Enterprises</p> <p>(2) From Craft Brew Alliance</p> <p>(3) From Sweepstakes Consulting</p> <p>(4) From Avid Marketing Group</p> <p>(5) Disturbance Report from Brick Oven Pizza Kalāheo, and St. Regis Princeville Resort</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>(1) To Jackson Family Enterprises</p> <p>(2) To Craft Brew Alliance</p> <p>(3) To Avid Marketing Group</p> <p>(4) To All Wholesale Licensees</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>Managers and Assistant Managers – See Attachment</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>(1) FOODLAND PRINCEVILLE</p> <p>(2) TAHITI NUI</p>	

	<p>(3) THE WINE SHOP (4) KAUAI CHAMBER OF COMMERCE (5) KAUAI CONCERT ASSOCIATION (6) KAUAI UNITED WAY</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Mr. Pacheco moved to accept Items 1(a) through 1(f). Ms. Kusaka seconded the motion. Motion carried 5:0.</p>
2.	<p><u>TRANSFER OF STOCK:</u></p> <p><u>SAFEWAY, INC.:</u> Transfer of 100% of corporate stock from Albertsons Companies, LLC to Albertsons Companies, Inc.</p>	<p>Mr. Pacheco moved to accept the transfer of stock. Mr. Endo seconded the motion. Motion carried 5:0.</p>
3.	<p><u>PERMANENT INCREASE OF PREMISES:</u></p> <p><u>AMA:</u> Request for permanent increase of premises to include an additional 60 sq. ft. area adjacent to the entrance, per diagram submitted, to allow customers to have an alcoholic beverage while waiting to be seated.</p>	<p>Mr. Matsunaga moved to approve the permanent increase of premises. Mr. Pacheco seconded the motion. Motion carried 5:0.</p>
4.	<p><u>TRANSFER OF LICENSE IN LESS THAN ONE YEAR:</u></p> <p><u>RUTH’S CHRIS STEAK HOUSE:</u> Request permission to transfer Restaurant General License No. 2G-077 issued to Kauai Steak House LLC dba Ruth’s Chris Steak House in less than one year from its issuance on October 19, 2017.</p> <p>Mr. Newton Chu was present on behalf of the licensee. Mr. Chu explained that the national corporation for Ruth’s Chris Steak House will be buying out all of the Hawaii locations, which includes the recently licensed Kauai location. The dba name will remain the same; however, the ownership will change.</p>	<p>Mr. Matsunaga moved to approve the request for transfer of license in less than one year. Mr. Endo seconded the motion. Motion carried 5:0.</p>

5.	<p><u>TEMPORARY LICENSE:</u></p> <p><u>RUTH'S CHRIS STEAK HOUSE:</u> Application No. 2018-049 was filed on November 9, 2017 by RCSH Operations, Inc. dba Ruth's Chris Steak House for a temporary liquor license to operate Restaurant General License No. 2G-077 located at 2829 Kalanikaumaka Street, Kōloa, Kauai, Hawaii.</p>	<p>Mr. Pacheco moved to approve the temporary liquor license. Mr. Endo seconded the motion. Motion carried 5:0.</p>
6.	<p><u>TRANSFER LIQUOR LICENSE:</u></p> <p><u>RUTH'S CHRIS STEAK HOUSE:</u> Application No. 2018-048 was filed on November 9, 2017 by RCSH Operations, Inc. dba Ruth's Chris Steak House for transfer of Restaurant General License No. 2G-077 from Kauai Steak House, LLC dba Ruth's Chris Steak House to RCSH Operations, Inc. dba Ruth's Chris Steak House located at 2829 Ala Kalanikaumaka Street, Kōloa, Kauai, Hawaii.</p>	<p>Mr. Pacheco moved for publication and public hearing on Application No. 2018-048. Mr. Endo seconded the motion. Motion carried 5:0.</p>
Violation Hearing	<p>(a) <u>BAMBOO:</u> Count 1: Violation of Rule 7.10 Bar Employee Records; Count 2: Rule 7.8 Manager on Duty</p> <p>Richie Ogata, owner, was present; no counsel. The licensee admitted to Count 1 and 2 of the charges.</p> <p>Mr. Ogata explained that the manager was on vacation, and there was some miscommunication with the person who was supposed to have posted the schedule. Regarding the Manager on Duty, Mr. Ogata stated there was supposed to have been a blue card holder on premises, but that person did not show up for work that day. Another person with a blue card was called in to fill in, but she had to leave at noon. The staff thought that if they did not serve liquor, they could remain open so they did so. Mr. Ogata stated that at the time, he was at the Liquor Department taking his blue card exam, and was not aware of the situation that was occurring.</p>	<p>Mr. Pacheco moved to impose a \$500 fine for Count 1. Mr. Matsunaga seconded the motion. Motion carried 5:0.</p> <p>Mr. Endo moved to impose a \$150 fine for Count</p>

		2. Mr. Matsunaga seconded the motion. Motion carried 5:0.
Executive Session	<p><u>EXECUTIVE SESSION:</u></p> <p>Pursuant to Hawai'i Revised Statutes §§92-4 and 92-5 (a) (2) (4), the purpose of this executive session is to consider the evaluation of an officer or employee where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held, and to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities as they may relate to this item, deliberate and take such action as appropriate.</p> <p><u>ANNUAL JOB PERFORMANCE REVIEW OF THE DIRECTOR</u></p>	<p>Mr. Pacheco moved to enter into executive session. Ms. Kusaka seconded the motion. Motion carried 5:0.</p>
Return to Open Session	Ratify actions taken in Executive Session	<p>The meeting resumed in Open Session at 4:57 p.m.</p> <p>Mr. Pacheco moved to ratify the actions taken in executive session. Mr. Endo seconded the motion. Motion carried 5:0.</p>
Announcements	Next Scheduled Meeting: Thursday, December 7, 2017 – 4:00 pm, Mo'ikeha Building, Meeting Room #3.	
Adjournment		Vice Chair Gibson adjourned the meeting at 4:58 p.m.

Submitted by: _____
Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____
William Gibson, Vice Chair